

LETTER

FROM

SAMUEL R. WOOD,

TO

THOMAS KITTERA, ESQ.

CHAIRMAN OF A JOINT COMMITTEE OF COUNCILS, ON

THE SUBJECT OF THE

SALE OF THE WALNUT-STREET PRISON:

WITH SOME

OBSERVATIONS ON THE NECESSITY

OF A

NEW SYSTEM OF POLICE

FOR THE

CITY AND COUNTY OF PHILADELPHIA.

PHILADELPHIA:

PRINTED BY J. W. ALLEN, NO 26, STRAWBERRY-ST.

1833.

LETTER.

Philadelphia, 1st Mo. 8th, 1831.

RESPECTED FRIEND,

THY letter as Chairman of the "Committee of the Select and Common Councils of the city of Philadelphia, on the subject of the sale of the Walnut-street Prison," is received, and I cheerfully comply with thy request, by giving the Committee such information as I possess.

I am asked to "state the evils of the present system in that institution."—Were I to state in detail, one half of the evils I know to exist, this letter would be swelled to a volume, and I fear would be a task on the patience of the Committee.

I may, however, sum them up in a few words by saying, that I believe there are few acts in the catalogue of crimes, that can be done within prison walls, that are not practised there; and few that are not planned, to be effected after the discharge of the convicts.

I assert, without fear of contradiction, that it is not possible for the Legislature to devise a system where men will be more completely contaminated, hardened and depraved, than in that college of vice, the Walnut-street Prison. Since my knowledge of the establishment, I have known many, (I think I may say hundreds) who have been, when received, comparatively innocent men, and who, if they had been kept separate, and not mixed with scores of hardened villains, would have never been convicted a second time.

Finding, however, in their new associates, every encouragement to commit fresh depredations, they go out eager for plunder; and our calender exhibits frequent reconvictions, until a lingering life of wretchedness is terminated within those walls which were intended for their reformation.

It may be asked, why has such an enormity been suffered to exist for years, in the fairest part of the fairest city in the Union? Why have not those acquainted with the facts, divulged them? for if they were known generally, they would not be suffered to exist. Certainly, our Grand Juries, the Philadelphia Society for alleviating the Miseries of Public Prisons, and the Inspectors of the Prisons, have, from time to time, complained of the deplorable situation of the inmates of that place. When these expositions have been made, the community showed themselves alive on the subject: but for years, there has been so much difficulty, from the various and apparently conflicting laws, that few have understood, and still fewer have been disposed to meet the difficulties.

I am far from wishing to pass my censure on the Board of Inspectors, who have had the management of the Prisons. I admit, that, in some respects, they might have done better; but perhaps it is more a matter of surprise, that, under all circumstances, they have done so well. I think the Board is too numerous, and the manner of their election objectionable.

In order to bring the subject as I view it, before the Committee, I will take a view of the acts of the Legislature, that bear immediately on the subject.

The Prison in Walnut-street was built about the year 1774, by the City and County of Philadelphia, for a County Prison, and without any view of accommodating prisoners from other counties; and this edifice must be considered as a monument of the liberality of our citizens at that period; for few better *State* Prisons have existed, until very recently. Owing no doubt to the unsettled state of the country about the time of its completion, very little care or attention appears to have been paid to the internal management of this Prison, until about the year 1787, when the Philadelphia Society for alleviating the Miseries of Public Prisons, after the conclusion of the Revolutionary War, having been re-organized, undertook, with much zeal and philanthropy, to reform the then numerous existing abuses. Although the number of prisoners did not exceed seventy, and all the main building and wings were then finished, yet these benevolent and intelligent men were so well satisfied with the great advantages of solitary confinement, that we find them petitioning the Legislature

for a grant of money to build cells, where the prisoners could be kept separately.

By the act of the 5th of April, 1790, the Legislature granted £500 currency for the erection of solitary cells ; and authorised the Commissioners of Philadelphia County to assess a tax, not exceeding £1000, to be appropriated to the same purpose. This act, and that of the 22d of March, 1794, authorises the Judges of the several Courts, at their discretion, to send to this Prison any convicts, who might be sentenced to hard labour for one or more years in any county in the State. By an examination of these laws it is very apparent, that the Legislature intended classification, by day and night ; and for the more incorrigible and hardened, solitary confinement.

The capacity of the building, and the small number of convicts, allowed the Inspectors to do this ; and chiefly to this circumstance may be ascribed the wonderful and well-known effects which were produced.

The population of the State rapidly increased ; and in consequence of the now crowded state of the Prison, crime began to keep pace with it : when, in 1803, it was found that the Prison was so full, that no good effect could be produced. Loud complaints were made to the Legislature ; and the fact was shewn, that what was intended originally for a County Prison, had, by the laws of 1790 and 1794, been made a State Penitentiary ;—that the State convicts crowded the house, and that there was not room within the walls for all the prisoners : that the east wing being the only part appropriated for the untried male prisoners and vagrants, had become so full, that frequently forty or fifty had to be locked up in a room eighteen feet square.

The representations then made, induced the Legislature to pass the act of the 2d of April, 1803. This law directs the vacant lots in the City of Philadelphia, the property of the State, to be sold, and the proceeds to be appropriated to the erection of a new Prison, for such persons as were included in the “denomination of prisoners for trial, vagrants, runaway or disorderly servants and apprentices, and all such other descriptions of persons (except convicts) as have heretofore been confined in the County Prison.” As the State intended thus to relieve the Walnut-

street Prison of this description of persons, to make room for the better accomodation of the convicts, it takes care by this act to provide that the "Commonwealth reserves the right to the several Counties within the same, to send their convicts to the present Prison of the City and County of Philadelphia." In other words, they say to the County of Philadelphia, "We have been using your Prison for State purposes, in consequence of the grant of £ 500, which was given to you in 1790—and as the crowded state of your Penitentiary deprives you of suitable accomodation for your own prisoners, we therefore give you the proceeds of the vacant city lots, to build a Prison for County purposes ; and in consideration of this, we take your old County Prison for State purposes." The Inspectors accepted this law,—sold many City lots, and applied the proceeds to the erection of the Arch-street Prison. The funds however did not prove sufficient, and the building remained unfinished and unoccupied.

After the presentation of several petitions, and after much discussion between the Inspectors and the leading Members of the Legislature, (some of which was not of the most agreeable kind,) they passed an act on the 31st of March, 1812, appropriating \$ 25,000 to complete this prison. This act permits the Inspectors (if they think proper) to remove *all* or any of the convicts from Walnut street to *this* prison ; and provides "that the said new Prison shall be considered, deemed, and taken, as the exclusive property of this Commonwealth.

Many of the Inspectors were dissatisfied with this latter clause; for whilst it appropriates the Arch street Prison to the State, it does not relinquish the right, (if it had any,) of sending convicts to the Walnut street Prison. Anxious however to relieve the latter Prison, they accepted and expended the \$ 25,000 in building the yard walls, and in partially finishing the house. The sum was not sufficient to finish the edifice, and it was apparent that the building was not at all calculated for the confinement of convicts, and this project was abandoned.

On the 13th of March, 1816, owing to the exertions of the Inspectors, the Philadelphia Society for alleviating the Miseries of Public Prisons, and Grand Juries, the Legislature passed an act authorising "the Commissioners of city and county of Philadel-

phia, to prepare such parts of the Arch street Prison as may be necessary," for the accomodation of debtors ; to remove them to said Prison, and to fit up the Prune street Prison for the untried prisoners and vagrants, &c. but by the 3d section takes especial care again to provide, "that nothing in this act contained, shall be construed in any wise to affect any title which this Commonwealth may have or claim in the said New Prison."

The Inspectors availed themselves of this act, and soon relieved the Walnut street Prison of the untried prisoners, vagrants, &c.

About the close of the year 1817, the public became anxious to remove the Walnut street Prison, and build one better adapted for convicts. The movements then made, produced the act of the 3d of March, 1818, which first provides for the erection of a State Penitentiary, near Pittsburgh.—The 5th section provides for the sale of the Walnut street Prison.—The 6th section authorises the Inspectors, as soon as the sale could be effected, to remove the prisoners to the New Prison on Mulberry-street, and to continue them therein until duly discharged or removed to such other Penitentiary or Prison, as shall be erected for their reception and safe keeping. The 7th and 8th sections authorise the Inspectors to purchase a lot and build a Penitentiary adapted to the solitary confinement of *convicts*, out of the proceeds of the said Walnut-street Prison.

As there is no provision for the untried prisoners and vagrants, I presume the framers of this act intended that all should be sent to the Arch-street Prison, until the New Penitentiary should be built, when the convicts should be removed, and the other classes left in Arch-street, according to the original intention. That part of this law which relates to the sale of the old, and the building of a new Prison, has hitherto been a dead letter.

Towards the close of the year 1820, a simultaneous effort was made by the Inspectors of the Prison and the Philadelphia Prison Society, to obtain the passage of an act which would effectually provide for the erection of a *State Penitentiary*. I was an Inspector at the time, but went up to Harrisburg on behalf of the Prison Society, to represent their views on the subject. Such a representation was made, that the Legislature passed the law of

the 20th of March, 1821, for the erection of a State Penitentiary in the City or County of Philadelphia. In addition to obtaining a new Prison, several important points were settled by that law. First, annulling the rights of the State, (*if they had any*) to send convicts from the several counties to the Walnut-street Prison, as soon as a new one should be completed. 2dly, vesting the title of the Arch-street Prison in the City and County of Philadelphia. Some considered that the sum of \$50,000, which was paid by the County to the Commonwealth, in compliance with a provision of this act, was paying too dearly for the exemption from the reception of State convicts, and the settlement of title. The friends of the measure thought it was better for the County to make a sacrifice in order to settle all old claims, rather than allow matters to remain as they had been for 30 years; and were pleased with the prospect of having a new building, in which separate confinement could be completely effected. The law of 1821, is an agreement between the State and County of Philadelphia—The 7th and 8th sections of that law, provide, that if the Commissioners of the City and County of Philadelphia, pay into the State Treasury the sum of fifty thousand dollars, that the title of the Prison on Arch-street was to be vested in the City and County of Philadelphia; and that the right of sending the convicts to the Walnut-street Prison, formerly reserved by the Commonwealth, by an act passed the 2d of April, 1803, was from and after the completion of the State Penitentiary, thereby authorised to be built, to cease and determine.

The County Commissioners accepted the provisions of this act; paid the fifty thousand dollars, and expended about ten thousand more on the Arch-street Prison, which was thus finished. The Inspectors took possession of it, and removed the untried prisoners, vagrants, &c. to it.

The City and County of Philadelphia having performed their part of the contract, is not the State bound in *good faith*, to do likewise? And is it just, after the City and County have paid the \$50,000, for the State to delay finishing the New Penitentiary, and thus for nine or ten years prevent the City and County selling the old Walnut-street Prison, after the fulfilment of the contract on their part?—Certainly all who took an active part in the

passage of that law, had but one expectation, viz. That the State would finish the New Prison for the Eastern District, with all reasonable despatch; and that the connection before existing between the State and the County being dissolved, the latter would come in with her sister Counties in any new arrangements that might be made.

Extensive walls have been built, inclosing an area containing ten acres of ground, but only 114 cells have been erected thereon, (less than one fifth the number which is requisite.) A law was passed on the 23d of April, 1829, to organize this prison and occupy these cells.—Fifty four prisoners are now confined in them; and by a report just made by the Board of Inspectors of this institution to the Legislature, they will see that separate confinement does not produce either mental or physical disease, and that so far from the establishment having been an expense to the counties, it has paid for the support of its inmates; thus refuting all that has been said in relation to those subjects, by those who have endeavoured to prevent the progress of the Pennsylvania System of prison discipline.

From taking a summary view of the several acts of the Legislature from 1790 to 1829, it is evident, firstly, that the City and County of Philadelphia have been furnishing the State with a Penitentiary for all her convicts since the year 1794, without the State having contributed any thing for its erection or repairs, except the £ 500 in 1790.

Secondly, that Arch-street Prison was originally intended for untried prisoners and vagrants (to relieve the Walnut-street Prison from this class of persons.)

Thirdly, that by the law of the 3d of March, 1818, it was intended to build a new Prison on the principle of *separate* confinement, for all convicts then in the Walnut-street Prison, and to allow the Arch-street Prison to be used for untried prisoners and vagrants.

Fourthly, that the law of 1821, certainly contemplated the erection of a Prison for all the convicts in the Eastern District of Pennsylvania, and of course the demolition of the Walnut-street Penitentiary, appropriating the Arch-street Prison for untried prisoners, vagrants, &c. All the laws, from 1790, appear to re-

cognise either classification or separate confinement ; and the last act, viz. that of 1829, completely establishes it for certain offences. Why then, after such frequent enactments, all tending to the extension and perfection of our present system of discipline, should our Legislature arrest its progress ?

It is asked, what shall be done ? I answer, first make a strong effort to induce the Legislature to do, what in good faith they are bound to do, namely, to finish a sufficient number of cells to accommodate all the convicts now in Walnut-street Prison, and all that may hereafter be convicted in the Eastern District.—It will be said that the State is at present largely in debt : perhaps this difficulty may, in a great measure, be obviated by the generous, but judicious assistance of the County of Philadelphia. They may offer to loan to the Commonwealth, a sum sufficient to build an adequate number of cells to accomodate all convicts in the Eastern District, who may be sentenced to imprisonment for one year or upwards. This loan to be irredeemable for 20 years ; and as an inducement for the State to accept the offer, I would propose that no interest should accrue until the expiration of five years. By this arrangement, the State would derive a decided advantage ; and if the buildings be erected with the requisite despatch, the City and County will be largely benefited. I think it decidedly better, that the State should build those cells for the convicts, than that the County should be compelled to erect a separate establishment : and there is no reason why the State should furnish a Prison for the other Counties, to the exclusion of Philadelphia County. Again, the cost of the external wall, and the Keeper's apartment, form a heavy item in the erection of a Prison : these the State have already built, and sufficient ground is inclosed, with the best wall in the United States, for a number of cells sufficient to accomodate at least one thousand prisoners in separate confinement.

If this, or some similar arrangement be made, there will be (after the sale of the Walnut-street Prison) a considerable surplus fund. With this, I would recommend the erection of a Court-house, at the corner of Broad and Mulberry-streets, for the trial of all criminal offences, and an alteration in that Prison, so that all prisoners should be kept separately. It is difficult to

say, in which Prison most injury is done. And where can we see a more deplorable sight, than is to be witnessed every day in the Arch-street Jail? I have known many, *very many*, who date their ruin from their admission into that house. Can an enlightened community remain passive, and allow such an enormity to exist?

The plan I propose is—1st, to erect a suitable edifice near the Alms-House on the Schuylkill, for all the *vagrants*: and I would recommend, that the law be so altered as to sentence an old and confirmed *vagrant*, to *one, two, or three years*, instead of *thirty days*, which is the maximum at present. Many of these poor miserable creatures are constantly passing from the Poor-House to the Prison, and from the Prison to the Poor-House.—They are out only long enough to become diseased by intemperance and debauchery; and are a constant expense to the County. By keeping them two or three years, different habits might be formed; at any rate, they would be retained long enough to be comparatively useful to the County, instead of a heavy expense.

2dly. An alteration can be made in the Arch-street Prison, and at an inconsiderable cost, to accommodate separately, in rooms of sufficient size, all the untried prisoners. The advantages arising from such an arrangement, must be apparent to every one acquainted with criminal business. In cases of guilt, the advantage to the community, and to the innocent but unfortunate man thrown into Prison for want of bail, is evident.

3dly. A Court-House may be erected at the corner of Broad and Arch-streets, and the prisoner may be conducted from the Jail into Court, without the present injurious exposure. I think that a spacious and convenient edifice can be there erected at a moderate sum, by making use of three of the walls now inclosing the yard.

4thly. A criminal Court, for the City and County of Philadelphia, should have jurisdiction in all criminal cases, with three Law Judges, one to preside at a time (as in our District Court)—A term to commence every fortnight, and to sit until all the business be disposed of. This would diminish the evil of many oppressive cases of long imprisonment before trial; and also would prevent many of the most adroit villains purchasing bail, and making their

escape. On this point I could recite many instances illustrative of these remarks. And,

5thly. There should be three Police Offices, one for the City, one for the Northern, and one for the Southern part of the County. Each of these Offices should have two or three sitting Magistrates, who should have power to settle all minor cases, and who should receive salaries, but no *fees*. I believe these would prevent much evil, and effect a great saving to the County.

All this can be done, and the proceeds of the Walnut-street Prison will defray the total expenses of the arrangements I have suggested. When this shall be accomplished, we may boast of a system for the prevention and punishment of crime, which, it may confidently be hoped, will be superior to any heretofore established.

There is much detail connected with these views, that would not be proper to introduce into this communication, already too long. I shall be happy to give it at any time when requested:

With much respect,
I am thy friend,

SAMUEL R. WOOD,

To THOMAS KITTERA, Esquire,
Chairman of the Committee of
Councils, on the subject of the
Walnut-street Prison.

The foregoing letter was written without any view to its being published or seen by any persons, except the joint committee of City Councils. With them I had, (after they had received it,) a full opportunity of explaining my views on the several topics therein alluded to. They asked my leave to publish it, as they thought it contained facts not generally known : I consented, although aware that I could not have the same advantage in explaining it, but to a very few of those who might peruse it.

Having been for years sensible of the enormity of the evil of crowding all kinds and classes of prisoners into the Arch-street Prison, I suggested that a building should be erected to accommodate vagrants, on the county property near the Woodlands ; and that the Arch-street prison could be so altered, as to accomodate in separate apartments, all persons for trial. On turning my attention more particularly to this subject, and making an estimate, I am now satisfied that it would be much to the advantage of the county to build a new Prison for the separate confinement of prisoners for trial, and for petty offences ; with a Court House attached thereto for criminal trials. If nothing be done to alter the present system of imprisonment for debt, it would also be necessary to construct a small building for debtors. By the arrangements thus proposed, both Walnut and Arch-street Prisons could, at no remote period, be sold, and the proceeds, (besides paying for all the new county buildings,) would leave a surplus in the treasury of the county. This however I consider of but little importance, when compared with the immense good that would be conferred, both on the unhappy inmates of the Prisons, and the honest part of the community : for however great are the evils of the Walnut street Prison, they are not less in the Arch-street Jail. It is here that we see the unfortunate and friendless apprentice, (sometimes the victim of a brutal master,) the fatherless young vagrant, and the young debauchee, receive their first lessons from the accomplished villian, and preparing, in this preliminary school, for the college of vice.

I am aware that all who are acquainted with the situation of both Prisons, will agree that a radical reform is loudly called for. If any can suggest a better plan than the one here proposed, they will find me willing to give my humble aid.

S. R. WOOD.

